honorable member from Indiana argues that we are to look to the Ordinance of 1787 as an author-itative guide to the exclusion of slavery from our present Territories, and indeed from all future ones, should more be acquired. Now, Mr. Chairman, to perfect the argument to which I am re-plying, two things, neither admitted nor proved, are obviously necessary. First, that must appear which does not appear, viz - that the framers the Constitution contemplated the acquisition of territory by the Government of this Union. See ondly, that additionally to this, it transpired in the minds of the States, in ratifying the Constitution, that should territory be acquired, an effort would be made by the Congress in charge of it to exclude slavery therefrom. Yet, Mr. Chairman, it so happens that only a few moments ago we heard the opinion expressed by the honorable member from Ohio, [Mr. Root,] who is equally struggling to maintain the untenable proposition under notice, that the independent purpose of ac quiring territory was never present in the minds of the framers of the Constitution; but that the only right this Government has to make such acquisitions results to it as merely incidental to the war-making power. I humbly submit, Mr. Chair-man, that this is removing in the argument the premises so far from the conclusion, that all confidence in the truth of the latter must be destroyed. Need I add, that a similar belief to that expressed by the honorable member from Ohio has ever prevailed to a greater or less extent with American statesman, and that gentleman of ac knowledged ability and deserved influence in this Government go yet further, and maintain the ground—that no satisfactory authority exists for presuming that it was originally the design of the States ratifying the Constitution to clothe this Government with the authority, through the medium of any or all of its powers, to extend in any way whatsoever the territorial limits of the Confederacy formed by our Constitution-much less can any human sagacity essay to fathom with confidence the unexpressed mind of the framers of the Convention on the subject in hand, and affirm that it covered the point in controversy. Thus we perceive the shadowy and unsatisfactory nature of the grounds on which this most disparaging proposition to the slave States is attempted to be upheld. But the proposition is not only unsupported by sufficient proof-it is opposed to strong probabilities. When, Mr. Chairman, we reflect that the majority of the States who adopted the Constitution were slaveholding-that the privilege of importing slaves from foreign States for a period of twenty years was inserted as a term in e compact of the Union-that the States entered the Union as equals, and sedulously guarded their prospective coequality—that the restriction con-tended for is at variance with fair analogies applicable to their common territory, and a disparaging reflection upon that portion of them against who it operates-is it not highly improbable that any such purpose as that contended for by the honor able member from Indiana entered into the com-pact of the Constitution? The idea, I humbly submit, is little less than extravagant.

But, Mr. Chairman, the honorable member from over the new Territories is an unlimited one and that therefore no well-founded complaint can \*2 contracts the manage of the threatened restriction, to which he avows him-self unalterably devoted. Here, Mr. Chairman, opinions are as discordant as on other propo tions of the gentleman. Who has satisfactorily shown that the jurisdic ion of Congress over the new Territories is without limitation? It has been often significantly inquired whether Congress may go the length of establishing a monarchy or a national church in our new Territories. The prevailing inquiry, going on acknowledged limitations, would seem to be after the exact boundary Certainly it cannot be maintained that either the great body of American statesmen or people whether right or wrong in not doing so, assent to the proposition that Congress may do in the Territories what it is forbid, universally, to do in the Constitution. But were that conceded, which is not proved, viz: that it is impossible to find technical limitation to the power of Congress over the new Territories, the question would still come back upon us in each instance of the proposed exercise of it, whether an eye were being had to the nature of the title by which the power is held, the appropriate objects of that power, and the just rights of all interested in it. From such practical guides to the exercise of it as are to be found in these sources, it were impossible to separate the power without a plain breach of faith. From this, I take it, Mr. Chairman, there can be

And new, Mr. Chairman, having replied to what I believe may be regarded as the strongest allow me to ask the indulgent attention of the committee to two resolutions I hold in hand. It is not my intention, Mr. Chairman, to press se resolutions to an immediate vote. to hold them for the present, and ask action upon offairs may seem to indicate : Resolved, That California be admitted into

the Union with her present Constitution, restricting her southern boundary to the parallel of  $36^{\rm O}$ 

As a good deal, Mr. Chairman, has been said about the right of self-government, with a view to press the claims of California on our unqualified acceptance, I beg to offer a few remarks on the application of that right proposed to be now made. The votes by which the Constitution of California was adopted, were cast in part by individuals who, aliens to our laws, language, and religion, were two years ago subdued by our arms, and by integral members of the people of these States The former, neither by the terms of the treaty by which California was ceded to us, by naturali zation laws, nor by any act of this Government, had been clothed with the elective franchise. The latter were then and now bound by allegiance to this Government. How, Mr. Chairman, can either of those classes of persons assert a right, in the political sense of that term, to set up a Govern-ment outside, nay, paramount to, the Constitution and laws of this Union? But again: on whose territory do they propose to exert this authority of self-government? Can a "people, Mr. Chairman, in any true and accredited politi cal sense of that term, exist without a country Or, shall the citizens of California, in order to reach the exercise of a disputed right, be permit-ted to usurp territorial dominions confessedly not their own? Will we accept them? is obviously the only true inquiry.

The Committee are aware that the territory of California, as defined in her Constitution, is vastly disproportionate to the average size of the States. shore line includes the whole length of the Pacific coast from Oregon to New Mexico, a dis-tance of nine hundred and seventy miles. Should she be received as she now presents herself, she will have monopolized all the commercial ports of entry we have in that most interesting section of our possessions on the Pacific south of Oregon. Her mineral wealth is believed to be unexampled These facts, Mr. Chairman, would seem in themselves to provoke a well-founded objection on the part of all the States to her reception in her present circumstances. And as the connection n which my resolutions place her acceptance sinks the objection of the South to other particulars of her application than that of her boundaries, I pass from this topic without further comment, in order that I may have the more time to bestow on the second resolution I have to offer.

2. Resolved, That the Committee on Territorie be instructed to report to the House a bill to organize that part of the Territory of California parallel line of 360 30' north latitude, and the Territories of New Mexico and Descret, prohibiting the introduction of slavery into any part of the said Territories north of the parallel line of 360 30', and recognising its adssibility into all parts of said Territories south of said line of 360 30' until the adoption by the people thereof of State Constitutions, and their ission into this Union.

I assume. Mr. Chairman, that in the present distracted condition of American interests, opinions, and prejudices, springing out of our territo rial possessions, that no human intellects will be able to decide satisfactorily to the nation the questions of technical power and right in issue. I assume, further, that no adjustment of the existing controversy, hinging exclusively on the one or the other of the opposing opinions, so warmly de-claimed upon here and elsewhere, will prove acceptable to the various sections of the Confederacy. Are we not then called upon, for purposes of public utility and harmony, to sink diffe on which opinions and prejudices are found to be so untractable? The plan proposed is one rendered by usage familiar here and elsewhere-of dividing that, which being held in common, cannot be in union enjoyed. The line chosen has been selected chiefly for the reason that having been acted upon twice in similar emergencies, I have thought it probable that it will be more easy to collect the will of the nation upon it than on any other of a like kind. To the North it gives the opportunity to express her dissent from slavery. It assigns her more than half the territory. To the South it extends the privilege of carrying her slaves as far north as it is likely she will find metives to take them. It proposes to quiet disputes as to the security of the title by which she will hold her slave property in its new home, should it be carried there, by throwing over it the protec-tion of undeniable law. Perhaps a still greater good than all these would come to her of it. It would give her the moral effect of a renewed recognition by this Government of her property in her slaves—thus strengthening her confidence in the justice of it, and discountenancing the law-

total exclusion prevail, in what relation, then, will the Government appear to twelve hundred mil-lions of property of its crizens? It cannot be less unfavorable than that of an abandonment of it-nay, a reprobation as offensive to the feelings of the proprietors of it as it is depreciating to the property itself.

And have honorable members who press this extreme policy weighed the necessary effects of its adoption by the Government? If it shall become a law, can it be believed, Mr. Chairman. that it will be possible for the people of the South, supposing them to be tolerably informed of the rights of property in regular government, and to possess a moderate share of sensibility to wrong possess a moderate share of sensition and insult, to maintain that attachment to the Union and that desire for its preservation which are necessary alike to its prosperity, its peace, and its honor? Happily for the higher destinies of human nature, she is incapable, in such circumstances, of so gross an act of self-abandonment I am aware, honorable members, who take the ground of total exclusion, insist that it is quite apossible that any desire can be felt by them to degrade or disparage the South, or any other sec-tion of a common Union. Conceding that, what, may I respectfully inquire, is the stress of that regard which cannot overcome the obstacles, if any exist, that lie in the way of such terms of mpromise as these I have had the honor this day to announce?

And what, Mr. Chairman, is the practical solution, as it lies in prospect, of the proposition of the non-extension of slavery to the new Territories? Is it not, that within the short lapse of a single generation, perhaps, the white population residing in the slave States, by some process not yet known in the range of what is even practicable, shall deport her slaves, or ab mdon the country to them. I am aware that we are assured that the object of non-extension is not to disturb or impair the institution of slavery within the dave States. Rut I orge attention to the logical. proximate effect of the contemplated measures And with how much more ease may not the North approach the line indicated of settlement than the South? The North, by the nature of her internal condition, as well as her numerical pre-ponderance in the more populous branch of the National Legislature, is, and must continue secure. Her power must in every event soon ob-tain in the other branch of Congress. The South is pressed by assaults, and is out of power. The North is moving on her career of encroachment at the suggestion of a sentiment—a sentiment founded, Mr. Chairman, on a speculative and disputed point in natural rights. The South is charged with the preservation of a substance-a vast and now indispensable form of wealth—a widely diffused and most influential element in the constitution of her civil and domestic institutions and relations.

In looking, Mr. Chairman, over the vast thes tre now appropriated to the display of American patriotism and American politics, the eye becomes simmed by the stretch of territorial distances, and the mind throbs with the labor of comprehending the extent and variety of the nation's resources. What comprehensiveness of policy, what prudence of purpose, what modera-tion of temper will not be demanded in the con-duct of our public affairs? Drawn too stringently together, the weight of the parts would crush them. Regarded with indifference, not to say hostility by the Government, they will infal-libly separate and fall away. The grand rewards of a wise and tolerant system of political economy, that lie in prospect over the wide-spread and bounteous lap of the continent, can never be reaped by the narrow and angry counsels of par-The Government demands statesmen, not casuists, to administer its politics. What, Mr. Chairman, is the source of all our present perils? country into a school for the propagation of doubt-ful creeds of moral ethics. But fanaticism, however ingenious, is proverbially impracticable. It may ruin, but cannot govern. It was but a few days ago, that we were called to hear the reprobatiom of the institution of domestic slavery pro-nounced here, on the authority of the hackneyed and mystical postulate, "that all men are born qual." This, by the way, seems to have become sort of oracle, whose sybilistic responses are quoted for the authority of very much proposed. from time to time, in American politics that is odd and startling to human experience. True may be the asserted maxim, in some restricted and explained senses. Invoked in the sense and for the purpose contemplated, it is but a weapon with which infatuation or folly, unrestrained, ure to endure. If an app text to commentary, we find that the authors of both were slaveholders—and, what is more, Mr. Chairman, slave importers. If we go to the final conditions, do we not find the reverse of the proposition, taken in its broad and common ac eptation, to be the truth? Not a leastet that trembles in the breath of the zephyr on the bough of the aspen, finds in the eye of the naturalist an exact measure in all the myriads of its vernal associates. The equilibrium of natural forces are graduated, Mr. Chairman, need it be said, on scales of endless diversities. But, Mr. Chairman, we are not called here to the defence of slavery. We are here to demand only that the character of property in slaves, which is fixed by the Constitu-

I have, Mr. Chairman, purposely said nothing f the alternatives of the adjustment of existing f the alternatives of the dissensions on the basis I have had the honor to submit, or on some other embracing at least its principles. I refer to them now, and very briefly, alone as sources of additional argument. One of lone as sources of additional argument. three results, all sufficiently deplorable to awaken solicitude, must. I respectfully suggest, follow rash and intolerant counsels here. An effort will be made to effect a separate political organiza-tion. Should this succeed, I leave the consequences of it to the thoughts and imaginations f the committee. Failing that, separate State measures of a retaliatary kind may be anticipated. And how, Mr. Chairman, will this condi-tion of our relations, Federal and State, be endured? To what may it not lead? The third, and perhaps the most to be regretted of all, would be, that, exhausted by their own struggles in the effort to agree upon some plan of effectual defence, the suffering States might sink back into the arms of those who would be then found no longer dis-guised but triumphant and mocking persecutors. Shorn of equality, wounded in ho humbled, in affection slienated, and thenceforth but looking anxiously forward to final overthro or fortuitous escape. And did I suppose, Mr. Chairman, there were one citizen in the Republic worse than all the rest, who could contemplate with composure or indifference the prospect of either of these melancholy pages in our political history, I know not, Mr. Chairman, whether he should be viewed most with abhorrence or pity. The young Greek, Mr. Chairman, who held his life at the bidding of his country, found the pathway of patriotism by the twilight of po litical civilization. Shall we, with such moment-ous issues of good or evil suspended on our councils, fail of terms of adjustment so easy, so accessible, so commended to us by the most sacred considerations of duty to the country and to urselves as are those at our command?

in another of the dominions of its jurisdiction.

And now, finally, Mr. Chairman, since the character of the times gives consequence, in the eyes of my own beloved State, to the line of the conduct of the humblest of her Representatives, in contingencies of our public affairs in view, I must beg leave of the Committee to say, that I have ventured to present a mode of quieting the public discontents with the sincerest desire that it, or some equivalent of it, may prove acceptable to a majority of the Committee and to the nation. Should all efforts, however, fail to avert the dishonoring brand of inferiority of privilege and rank, now threatening the South, by her total exclusion from participation in the common territories of the Union, except on an onerous condi having no application to other sections of the Confederacy, I shall return from this place, to unite with others of her sons in council, to devise some method of escape from evils present and prospective, which, in my humble judgment, Mr. Chairman, will then have become intolerable. Whatever measures may be adopted in that bitter emergency, with a view to the sacred defences of security and honor, will doubtless be right.

# NEW JERSEY.

Mr. Hoxey, on the 13th instant, called up in the House the resolution on the subject of slavery, introduced by him early in the session. He sustained them in a very animated speech. He said:

"The whole spirit of the North was being being broken down by the Northern press; and, he was sorry to say, the Whig press—the same which two years ago sent up a whining cry—nay, shricked—because Congress had adjourned with the Territories. out providing Governments for the Territories. Now these same presses asked the North for 'masterly inactivity.' Then they declared the masterly inactivity. Then they declared the Territories would suffer for want of a Government, now they wished to leave them to the mer-

"He was sorry to see the leading press of New Jersey urging this policy. General Taylor, it is true, had recently began it. Now there could be no question but that the defeat of General Cass was owing to the doctrines of the Nicholson letter: and singular it is, that while Cass was reitersting

WASHINGTON, FEBRUARY 28, 1850.

THE COMPROMISE 2d. Resolved. That as slavery does not exist by law, and is not likely to be introduced into any of the territory sequired by the United States from the Republic of Mexico, it is inexpe-dient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory; and that appropriate Territorial Governments ought to be established by Congress in all of the said territory, not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery .- From Mr. Clay's resolutions.

The article from the pen of Judge Jay, on the outside of the Era, sufficiently exposes this resolution. It does not assert that Slavery is prohibted by law, and it entirely overlooks a Truth sustained by History, that, as a general rule, the law of Slavery, follows the fact, of its establishment. But, we quoted the resolution for the purpose of correcting a very general misapprehension. Writers and speakers comment upon the alleged Compromise in this resolution, as if the author intended that it should be embodied in the from of legislative enactment. This is a great mistake. The concession to the Slaveholders-that Territorial Governments be established without the restrictive clause in relation to plavery-he intends to make effective by law; but the concession to the free States-that it does not exist by law in the Territories, and is not likely to be introduced there-he intends to stand, as a mere expression of opinion by the Senate. His own statement on this point is explicit.

" Now, I have said that this declaration of what I call these two truths is equivalent to the enactment of the Wilmot Proviso. I have heard this asserted, but is that the case? If the Wilmot Proviso were adopted in Territorial Governments established in these countries acquired from Mexico, it would be a possive enactment, a prohibition, an interdiction as to the introduction of slavery million them. But with regard to those truths, I had hoped, and still indulge to hope, that those who represent the free States will be inclined not to insist that me shall give—and indeed it would be extended difficult to give to these descriptions. remely difficult to give to these declarations-the form of a positive enactment. I had hoped that they would be satisfied with the simple expression of the opinion of Congress, leaving it upon the basis of that opinion, without asking for what seems to be almost impracticable, if not impossible—for any sub-sequent enactments to be introduced into the bill be which Territorial Liouxements shall be established. I can only say that that second resolution, even without the declaration of these two truths, would

be more acceptable to me than with them. The distinction he draws is substantial. The Wilmot Proviso incorporated in a bill would be a positive enactment, a prohibition, an interdiction as to the introduction of slavery :" but the declaration "that slavery does not exist in the Territories by law, and is not likely to be introduced there," he would not have incorporated in any bill, but left to stand as "a mere expression of opinion," not amounting to "a positive enactment, a prohibition, an interdiction as to the introduction of Slavery !"

After such an explanation as this, given by Mr. Clay himself, we should like to see the opponent of the extension of slavery, that would vote for the resolution.

### THE ADMISSION OF CALIFORNIA.

The opponents of the admission of California in the absence of argument to sustain them, resort to extraordinary devices to give a show of reason to their opposition. They object that the people might sever the bonds of every conceivable politi- of a Territory have no right to organize themcal organization which it is in the power of human selves into a State, without an act of Congress authorizing the measure. True-for in our system a State is a political community, which is entitled to two Senators in Congress, and Representatives according to the ratio established in the Federal Constitution. No one pretends that this right can be obtained without an act of Congress, which certainly has the power to accept or reject the application of any community for admission to the rank, title, and privileges of a State of the Federal Union. The language of the Constitution is intelligible enough: " New States may action of Congress alone can they obtain admission, and this action is left entirely to the dis- it? tion itself, be recognised as such by the Govern-ment, the creature of that Constitution, in one as cretion of that body. It may admit or deny admission, according to its own judgment of what is right and proper.

> But Congress is not bound to prescribe the mode in which the People of a Territory shall signify their desire to be admitted as a State There is no rule in the Constitution on this subject. The people of a foreign State, who have maintained the rights of an independent sovereignty, may apply for admission to our Union, and it is for Congress to decide upon the claim. The application of Texas is a case in point. It was an independent, a foreign State, with institutions and a Constitution of its own. When it asked admission to our Union, Congress did not go back of the application, treat Texas as if it were unorganized, prescribe how the People thereof should form a State Constitution, and in what way present themselves for admission. The application was at once entertained, and decided upon affirmatively.

Again: The People of a Territory, with a Territorial Government organized by act of Congress, may assemble in Convention, agree upon he form of a State Constitution, and ask admission as a State into the Union. Nothing in the Constitution forbids the act, which, after all, is but an expression of their own will, not entitling them to the rank of a State, until it shall be ratified by act of Congress. The People of the Territories of Michigan and Florida, it is stated, thus organized respectively their forms of State Government, and asked Congress to admit them as States.

In other cases, Congress has taken the lead in the passage of acts authorizing the People of Territories to organize the forms of State Governments.

It is manifest from this brief review, that so far as the Constitution is concerned, there is no rule whatever prescribing the antecedents or preliminaries of an application by any political community for admission into our Union as a State-no rule making the validity of its application dependent upon a prior act of Congress authorizing the application-that no inference can be drawn from precedent against the right of a people to organize the form of a State Government, and seek its recognition by Congress, without any antecedent act by that body on the subject, because, while there are presedents in favor of the exercise of this right, none conflicts with

The case of California is somewhat peculiar Unlike Texas, it is not an independent, a foreign State; and unlike Michigan or Florida, it has been provided with no Territorial Government by Congress. The Territory was under the sovereignty of the United States, while the Govern ment was a de facto Government, existing from priety. Fer, if the citizens of a Foreign Sovereignty, without prior action on the part of Congress, may take preliminary measures, and make more may the citizens of a portion of territory under our own sovereignty. And, if the People of a Territory, under a Territorial Government provided for them by Congress, may, without

She has the plan of a State Constitution; but it cannot be a State Constitution till she become a member of this Union. Her People have simply prepared the plan of a State Government, and elected the requisite agents. If Congress refuse to sanction the plan and recognise the agents, California will continue a Territory, unless she choose to throw herself upon the right of revolution, and assume the rank of an independent State. If Congress sanction the plan and recognise the Senators and Representatives she has elected, she becomes a State of this Union, without any irregularity whatever, and in exact accordance with the only provision of the Constitution on the subject-" New States may be admitted by Congress into the Union." As to the inhibition of Slavery contained in this plan of a State Constitution, we do not hold that Congress is bound to sanction it, simply because the People of California have adopted it. They had a perfect right to incorporate such a provision in their plap, but it is for Congress to say whether it will reject or not the plan, for this reason, or for any other. With Mr. Foote, we hold that Congress has a right to admit, or deny admission as a State to, any political community, and that this right should be exercised, not capriciously or arbitrarily, but wisely, for good and sufficient reasons. The inhibitory clause in relation to slavery, hav-

ing been adopted unanimously by a Convention of the People fairly represented, with a fair proportion of delegates who had emigrated from the slaveholding States, must be deemed a true expression of the opinions and will of that People, and as they are more directly and intimately concerned than any other persons, that expression should be held decisive, unless it can be shown to conflict with the Constitution, with the rights of any of the States, with the essential interests of the Union, or, what is the same thing, with

### THE OPPOSITION.

Justice.

It is surprising to observe what feeble objections are raised to the admission of California as a State. "Her boundary is so enormous"-one says. Is

it any larger than that claimed by Texes? And may not provision be made for the formation of as many States as Congress and California shall see fit? But, "her population is such a mongrel mix-

ture " in which, however, the Anglo-American element predominates. Everybody knows that the great mass of the People there is composed of American citizens; and that they know what they are about, their Constitution, which puts to shame many of our State Constitutions, fully demonstrates. "General Taylor used his influence to induce

the People to prohibit Slavery." Very likely, that a Southern man and slaveholder, with a majority of his Cabinet Southern men and slaveholders, should send out T. Butler King, a Southern man and slaveholder, to prevail upon the People to form an anti-slavery Constitution! But the Hon. A. G. Brown of Mississippi, in a card published in the Intelligencer, states the charge distinctly, and gives the only evidence on which he founds it, as follows:

"I have believed, and now believe, that the Administration used its influence to induce the people of California to exclude slavery from that Territory. As a small part of the evidence on which this opinion is based, I here insert an extract from a letter of Bayard Taylor, written in California, and published in the Republic on the

the subject of slavery, is entirely false. was everywhere understood here that our Admin-istration at Washington earnestly desired that the question should be sattled at once and forever. The only objections which were privately urged none were made in the Convention) against mak-ing California a free State, were on these very grounds from members of the Locofoco party.

It was understood "-by whom?-for what reasons?-on what grounds? It was understood "here that our Administration at Washington earnestly desired that the question should be setbe admitted by Congress into the Union." By the tled at once and forever." Settled how? In favor of slavery, against it, or by saying nothing about Mr. Taylor's wonderful announcement amounts to just nothing at all. We knew all

that he states before he put pen to paper. Mr-King had himself, in a public speech at San Francisco, earnestly called upon the People " to settle the question at once and forever," but he did not presume to suggest in what way they should set-

Mr. Brown simply jumps to the conclusion, in the face of all probabilities, and without shadow of evidence, that they were advised to settle it by excluding slavery from their Territory !

We accept the testimony of General Taylor on this point. He asserts unequivocally that in no way, by no means, to no extent, did he attempt to exert any influence on the determination of the People of California in relation to their domestic institutions-and such, too, is the testimony of Thomas Butler King.

The project of reducing the boundaries, so as to set off under a Territorial Government all that portion of her territory lying south of 360 30' is not commended by a single reason. Now, the question of slavery in regard to the whole of our empire on the Pacific, though decided against the slaveholders, has not been decided by the action of the Federal Government, which they affect to resist as degrading and insulting, but by the action of the People of California, so that, by acquiescence in this decision, they sacrifice no real or imaginary point of honor, submit to no real or imaginary degradation. And the area of the conflict which they say threatens the stability of the Union will be vastly circumscribed.

How desirable, moreover, that the population of our Pacific empire be homogeneous, their institututions and interests harmonious. Who would Atlantic States alike, giving birth to unity of character and interests?

The American settlers in California are congregated chiefly north of the line of 360 30'; the body of the native population lies below that line. Insulate these under a Territorial Government, and you separate them from the intelligence, energies, and impulses, of the former, leave them to his right to act independently in such a matter. drag on a miserable existence by themselves, with their own imperfect civilization, generating ideas, institutions, customs, and interests, in conflict with those of the Northern tier of Pacific States. And shall we be guilty of this extreme folly, for the sole purpose of allowing slavery to obtain a foothold on the Pacific?

But, how is excitement to be allayed by this notable scheme of dividing California? Will the opponents of the extension of slavery allow a Territorial Government to be established over Southern California, without giving it the benefit of the Ordinance of 1787? Never! The field of conflict would be widened by the accomplishment of this miserable scheme of partition, and the necessity of the case, and by the toleration of the result would be, either a Territorial Governthe People. But it is obvious that this differ- ment with the Proviso, or none at all. The Southence, so far from militating against the action of ern People are not blind. They must see that the People of California, corroborates its pro- the opposition of their representatives to the admission of California is utterly unreasonable. and that the proposal to reduce its boundaries, if carried into execution, can have no other effect application for admission to our Union, much than to aggravate, without the slightest hope of any benefit to them, an excitement which they

now deprecate as full of mischief and peril. So well convinced are we of this, that we hope there will be no forced, precipitate action. The prior act by that body, and in disregard of the friends of the admission of California can afford presumption that a Territorial Government is all to wait patiently. True, the new State is subthat is needed in the judgment of that body, jected to much inconvenience by delay, but a full assemble in Convention, form the plan of a discussion of the whole subject of slavery, on the State Constitution, and ask admission as a State, question of her admission, will tend to reconcile less violations that are, from time to time, being perpetrated upon the preperty. To the whole country it gives that which, Mr. Chairman, it so

advocating the same doughfaceism, and breaking down the spirit of the North."

We understand that the resolutions have passed one branch of the Legislature.

THE NATIONAL ERA.

tory, unprovided by Congress with any Government at all, and yet with a population larger than that of either of those Territories, and requiring the benefit of order and law more than any other people, pursue a similar course.

We repeat, however, California is not a State. She has the plan of a State Constitution; but it She has the plan of a State Constitution; but it She has the plan of a State Constitution; but it she will be admitted, and the delay of a month or two will do no harm, provided the friends of Freedom be constantly on their guard against all compromises.

head, Morse, Morton, Outlaw, Owen, Parker, Powell, Robbins, Savage, Seddon, Shepperd, Stan-thought of the South. California, with her present the boundaries and Constitution, will be admitted, and the delay of a month or two will do no harm, provided the friends of Freedom be constantly on their guard against all compromises. their guard against all compromises.

#### For the National Era. HERO AND LEANDER.

BY ANN PRESTON.

Written on visiting Steinhauser's Group of Statuary at the Academy of Fine Arts, Philadelph

Not marble cold, not form alone, I see before me now, But spirit warms the breathing stone, And beams from lip and brot I stand as in a temple fair, Afar from mortal sight-My spirit breathes diviner air, And bathes in clearer light

Not she, alone, who bends above And his rapt gaze of voiceless love, Oh, Artist! here, at thy command E'en speechless marble tells The beauty of that radiant land

Wherein thy spirit dwells. We catch some gleams of those fair climes Where fuller joys await— We hear outswell some low, sweet chimes Through thy Ideal's gate. No shame and fear enstain or move

That priestess, calm and fair— The holy trust, the rest of love, mmortal, pure, are there. This marble speaks a tongue sublime. An unconfounded speech! The language known in every clime,

Oh, human love! the heart's warm sun, Like Hero's torch, the wave tossed one.

A purer love, a faith more sweet The coming time shall see,
And as their Harbinger we greet
This marble Prophecy.

#### MISREPRESENTATION.

It is difficult to say by whom the Anti-Slavery citizens of the North are more grossly misrepresented-Northern or Southern politicians. General Cass, a few days since, in the Senate, while endeavoring to demonstrate his consistency on the Slavery Question, remarked as follows: "Every man in the North who does not believe

it to be his duty to enter into a crusade against the South, and to cover the country with blood, by a large portion of his fellow citizens as a and conflagration to abolish slavery, is considered doughface—that is the cant term—sold by his hopes or his fears to the South."

We pronounce this a calumny upon the People of the North; and there is not a truth-loving man in the free States who will not verify our assertion, that no portion of the citizens of these States is engaged, or would be willing to engage, in "a crusade against the South." Nor is there a large portion of the People of the North who believe it their duty to cover the country with blood and conflagration to abolish slavery. Even the small number of Abolitionists represented by Mr. Garrison, distinguished as they are by the severity of their denunciations of slavery, are generally non-resistants, haters of war and bloodshed and every form of violence. Other and more numerous classes of Anti-Slavery men, while anxious to throw the weight of their moral influence against slavery, cherish no thoughts of violence. The regeneration of Humanity, they hold, is best accomplished by moral forces—through the action of mind on mind. "Blood and conflagration" may be the consequences of reaction against oppres-18th instant;
"The assertion of the Evening Post, which I noticed in the Tribune, that the Government sought to keep the Constitution of California silent on to keep the Constitution of California silent on Truth select, to promote their purposes. They know that their true mission is, the peaceful reformation of abases: Retribution belongs to Him whose judgments are always controlled by uner-

No man at the North renders himself liable to the charge of " Doughfaceism," by refusing to engage in a crusade against the South, or even against Slavery. But when a public man from the North, in the Halls of Congress, stiffes the honest convictions of his heart in relation to Slavery, while every day its advocates are urging its claims to national favor; when his hopes or fears or calculations of interest cause him to shrink from the championship of Human Rights, fiercely assailed by slaveholders, lead him to the avowal of opinions or the adoption of a policy calculated to promote their ascendency in the Federal councils drive him to sacrifice the interests of nonslaveholders to their schemes for the propagation and domination of Slavery-then it is, that not only "a large portion," but the great majority of "his fellow citizens of the North," brand him with the epithet, " Doughface."

It is to be regretted that General Cass, in striving to vindicate himself against the accusation implied in this epithet, has seen fit to impute the basest designs to "a large portion of his fellow citizens" of the North. Who of his fellow citizens in the North has asked him to violate his oath of office, to wage war against the rights of the South, to turn a murderer and an incendiary for the purpose of abolishing Slavery? Who has asked him to violate a single constitutional guaranty of the rights of any section, South or North?

He does great injustice to Northern Peoplehe imposes upon Southern People-and the tendency of his gross misrepresentation of the former is, to inflame the passions, deepen the prejudices, and increase the jealousies of the latter.

# J. H. BEALE.

A member of Congress from the 16th district in Virginia, has addressed a letter to his constituents, protesting against the schemes of a Southern Convention, and all projects of disunion. He nature as is spoken of in the resolutions, would be not rejoice, were the domestic institutions of our in violation of the rights of the South, but even in people, these base calumniators, these traitors at that emergency, he says:

"I do not hesitate to declare that it would be better to throw ourselves under the protection of the broad shield of the Constitution and the laws while they subsist, than to resort to disunion, to revolution, and force."

The Richmond Enquirer is out in serious condemnation of the course of Mr. Beale, questioning The Richmond (Va.) Whig remarks-

"But Mr. Beale's exceptions are more applicable to the original proposition of the Select Commit-tee, than to that which has been adopted. This last was drafted by a Whig, and it takes the sting out of the other very effectually. It strikes out the 'pay feature—over which many a patriot's heart has mourned!—and by describing what a real Southern Convention should be, it strips that at Nashville of all consequence. We think neither Mr. Beale nor anybody else need fear danger from an assemblage which will have no authority to bind any one; and as its members are to defray their own expenses, and act without authority, we apprehend the attendance will be rather thin. We would scarcely indulge the hope, that the en-thusiastic and disinterested Mr. Henry A. Wise would venture on an excursion to Nashville, at his own proper cost and charges, and at the haz-ard of contracting the reputation of a Hartford Conventionist! There are other vehement and impassioned patriots, who will be equally cau

# THE VOTE ON MR. DOTY'S RESOLUTION.

The following is the vote given last Monday week on the motion to lay Mr. Doty's resolution in relation to California on the table :

in relation to California on the table:

YEAS—Mesers Alston, Anderson, Ashe, Averett,
Bay, Bayly, Beale, Bowdon, Bowlin, Boyd, Breck,
Albert G. Brown, Burt, Geo. A. Caldwell, J.
P. Caldwell, Clingman, Williamson R. W. Cobb,
Daniel, Deberry, Edmandson, Ewing, Featherston,
Green, Hall, Isham G. Harris, Sampson W. Harris, Haymond, Hilliard, Howard, Hubbard, Inge,
Andrew Johnson, James L. Johnson, Robert W.
Johnson, Jones, Kaufman, Kerr, La Sere, McDowell, R. M. McLane, Finis E. McLean, McQueen, McWillie, Meade, Miller, Millson, More-

ter Butler, Thomas B. Butler, Joseph Cable, Campbell, Carter, Chandler, Clark, Cleveland, Cole, Conger, Corwin, Crowell, Dickey, Dimmick, Doty, Duer, Duncan, Dunham, Durkee, N. Evans, Fitch, Fowler, Freedley, Fuller, Gentry, Gerry, Giddings, Gilmore, Goodenow, Gott, Gould, Grin-nell, Halloway, Harlan, Thomas L. Harris, Hay, Hebard, Henry, Hoagland, Houston, Howe, Hun-ter, Jackson, D.P. King, G.G. King, J. G. King, J. A. King, Preston King, Leffler, Littlefield, Horace Mann, Job Mann, Mason, Matteson, McClernand, McDonald, McGanghey, McKissock, McLanahan, Meacham, Moore, Nelson, Ogle, Olds, Otis, Peaslee, Peck, Phænix, Pitman, Potter, Olds, Otis, Peaslee, Peck, Phonix, Pitman, Potter, Putnam, Reynolds, Richardson, Risley, Robinson, Rockwell, Root, Rose, Sackett, Sawtelle, Schenck, Schermerhorn, Schoolcraft, Silvester, Spalding, Sprague, Thaddeus Stevens, Stetson, Strong, Sweetser, Taylor, James Thompson, W. Thompson, Thurman, Underhill, Van Dyke, Vinton, Walden, Waldo, Wentworth, White, Whittelsey, Wildrick, Wilmot, Wilson, Winthrop, Wood, and Young—121. and Young-121.

Miller of Ohio and Robbins of Pennsylvania, the only men from free States voting against California.

THE SPIRIT OF THE AGE, published at New

York, continues under the editorial management of William H. Channing, one of the ablest, st philosophic, and catholic advocates of the ctrines of Association. It has entered upon its second volume, and, for the convenience of those who wish to subscribe, we copy the terms One copy for one year Three copies for one year -Six copies for one year -Ten copies for one year -Twenty copies for one year - 25.00 Subscriptions should be directed to Messrs Fowlers & Wells, publishers, Clinton Hall, Nassau street, New York.

#### THE HON. ROBERT C. WINTHROP.

Last Thursday, while the House was in Comnittee of the Whole on the state of the Union, Mr. Winthrop delivered a carefully studied speech in defence of his official and personal character against the attacks of anti-slavery men on one side, and of pro-slavery men on the

He seemed to be well prepared with smoothly rounded periods, apt quotations in prose and poetry, from Burke and the Bible; and his paroxysms of scorn, contempt, and indignation, always found highly elaborated phrases for their expressions, at just such moments as served to heighten the rheterical effect. It was a scholarly display of wrath, coade

however, with due discrimination. The Washington Union had fiercely assailed him as a culprit equally guilty with Joshua R. Giddings Mr. Johnson of Tennessee had bestowed upon him the larger portion of an hour, charging him with unfairness and gross injustice towards the South, and attempting to sustain the charge by various statements and arguments: Messrs. Cabell, Toombs, Stephens, and Morton, Whigs of high repute from the South, had refused to support him as the candidate of the Whig party for the Speakership, and had been at no pains to conceal their hostility to him : but his Southern assailants and enemies he treated with commendable moderation, manifesting a proper consideration for their feelings, refraining from the applition to them of the language of rebuke or invective. Towards his Northern assailants, his bearing was imperious. On their devoted heads he rained the fire of his fiercest indignation. No

and quiet force with which he had presided over the deliberations of the House, could so far lose the command of himself, as to betray the wounds which were festering deep in his heart's core, expose the workings of mortified pride, bitter disappointment, and implacable revenge, and surpass even the most unrelenting of his assailants in the palpable grossness of his anger, surprised and deeply mortified us. For, though one of that class whom he denounced indiscrim inately as calumniators, revilers, demagogues, destitute of personal character, mendacious, traitors at heart, political poltroons, we had never abused the Ex-Speaker, never defamed his character, never misrepresented his acts, never questioned his motives, but, on the contrary, had almost offended some of our friends by eulogizing his course as a Presiding Officer, and giving him credit for constituting one Committee of the House so as to favor the sentiment of the North. And now, while we retract not one word we have ever said as to his administrative qualities we must confess that the speech delivered by the gentleman last Thursday has very materially changed our opinions of the man. A polished exterior is deceptive.

If anything were wanting to justify the Free-Soilers in refusing him their support as candidate for the Speakership, that speech has amply supplied it.

The speech was adroit, but unfair, and, considered as an answer to the main charges made against him by Free Soil men, entirely unsatis-

factory.

But it is not our purpose to take part in the controversy between that gentleman and his opponents. We intended chiefly to comment upon his bitter abuse of Free Soil Men, by whom, we presume, he means the three hundred thousand of his fellow-citizens who voted for Martin Van Buren. He makes no discrimination among them. They all fall under his vindictive anathemas. They are all, in the estimation of Robert C. Winthrop, the leader of the Administration party in the House, a set of calumniators, traitors at heart, mendacious, political paltroons. Oh, what a precious Free Soil candidate was ke! thinks that the passing of any laws of such a Can it be possible that he was willing to be chosen Speaker by the votes of these mendacious heart? He ought to have favored them with his opinions pending that election. They might have respect." been won by his frankness.

Very grateful to his lacerated feelings must

have been the disorderly applause which fell on his ear when he was indulging in this unmitigated abuse of Free Soil Men. The editor of the Union. who had hunted him down as a Free-Soiler, was in ecstasies over this part of the performance; and the slaveholding members showed, by loud demonstrations, how deeply they sympathized with him. It was a glorious spectacle. An ex- the work of intimidation. Speaker, leader of the great Whig Free Soil Party in the House, standing up with daring heroism, and winning the shouts of two hundred and more members, for his magnanimous abuse of a party represented in that Hall by only nine members! With what proud emotions his great heart must have swelled at being sustained by some two hundred and twenty Representatives, not to speak of divers Senators, in his brave onslaught against a few members, who are feared and hated because they dare say what they think, and do what they say. We shall expect hereafter, that the two old parties, should they succeed in carrying any point against the nine indomitable Free-Soilers, will forthwith adjourn over one day for the purpose of celebrating their extraordinary triumph !

A word more in reference to this speech. contained the first distinct avowal of adhesion to the policy of General Taylor on the slavery question, made in the Halls of Congress. Mr.

viso; and that he stands in the House the Repre-

### SENATE PROCEEDINGS LAST MONDAY.

The Senate proceedings last Monday were somewhat interesting. After the usual morning business, Mr. Miller resumed his speech, and closed it.

The resolutions of Mr. Clay were then postponed till Wednesday, Mr. Rusk indicating his intention to address the Senate.

On motion of Mr. Foote, his resolution in relation to Territorial Governments was taken up, and he moved to refer it to a committee of thirteen members, to consist of six Southern and six Northern members, to be chosen by ballot, who then should proceed to elect the thirteenth member.

On this motion quite an exciting debate arose in the course of which the project was sustained by Messra Foote, Clemens, Berrien, and Badger, and opposed by Mr. Dayton of New Jersey. Mr. Butler also opposed it, but in a manner so ominous as to arouse the anxieties of nervous members, if there were any in the Chamber.

In support of the motion, Mr. Foote addressed the Senate repeatedly, and in language which, we think, he ought to have been called upon to explain. Here is a specimen : "As I stated before, the resolution is so drawn

up as not to interfere in the least degree with the resolutions offered by other Senators, or with the course of debate. I do not expect—and I am sure that my friend from South Carolina will hardly expect—that this subject shall be acted upon by the committee so soon as the next four days; but the committee so soon as the next four days; but they could make a report by Saturday, I trust: for, so help me Heaven, if nothing is done this meek, there will occur circumstances which, in my opinion, must inevitably take place, the nature of which I will not more than allude to, which will render all compromise impracticable. I have good reasons for what I say. I know facts to which I have alluded. I have converted. sed with members of both Houses of Congress, and I state upon my honor that I entertain not the least doubt that unless we do something this week, this whole sub! ject will leave our jurisdiction, and forever. I am no alarmist, but I am in the habit of talking more freely than my friend from South Carolina. I know that I am in passession of facts in this case. I have conversed with many of the wisest men in both branches of Congress—with many of the sagest and most patriotic men in this Republic."

Now, here was a plain intimation by the Senator from Mississippi, that he knew facts which authorized him to say that, unless the whole question of slavery was settled this week, it would pass forever beyond the jurisdiction of Congress; that is, with this week ends the time for deliberation and legislation, and with next week will begin the time for rialent methods unknown to the Constitution!

Cornt such language as this to be uttered in a deliberative assembly? If it does not contain a threat of the intervention of physical force, then words have no meaning. The dark hints thrown out by the Senator point to a plot, a conspiracy, to set aside the Congress of the United Statesto overthrow by violence the present state of things. The people of the country will take notice of this matter. Mr. Foote ought to be called upon to explain, in clear language, what he has darkly intimated; and he is not the man to shrink from any responsibility.

Mr. Butler, even by opposing the motion. abored apparently to multiply evil portents. "Mr. Butler. I think that the Sneate will bear me witness that I have not been disposed to treat this matter lightly. I have long since found that, as I am approaching a crisis upon this sub-ject, I become more solemn in all my deliberations of the matter. Nor do I wish the debate to be

protracted, with a view to indulge in any inflam-matory declamations. I think that such a course would be unfavorable to a fair understanding and sarcasm was too cutting, no objurgation too severe, no invective too lacerating, no epithet too virulent for them.

That the accomplished Ex-Speaker could descend to personalities almost without a parallel in that Hall, we had not believed. That one so continue together, let us continue personally on good terms; and if this great calamity which has been intimated to us should come to pass, I wish been intimated to us should come to pass, I wish to take leave of all in good feeling. I have made up my mind, thoroughly made up my mind; and when I have done so, I do not think it is worth while to declaim on the matter. I shall yield to no compromise that does not recognise the equality

> Well, this was dramatic, to say the least. Colonel Davis of Mississippi advocated the

"This committee, being organized as it is pr posed, cun never agree upon anything unanimously which will not be accepted. It is not at least to be supposed possible that they should do so; and he who holds the balance of power in that committee may fairly be expected to be impartial. I will go further, sir. I am willing to go far North and far East in selecting a man in whom I will repose that confidence, to consider the rights of the South, under the Constitution, fairly considered, because I believe that there is a man in that section of the country who will stand by the Constitution, and who s above all sectional feeling."

The allusion may have been to Mr. Webster who, the letter-writers say, is in favor of compromise, willing to divide the Territories between Freedom and Slavery, by the extension of the Missouri Compromise line to the Pacific! We give the rumor for what it is worth, merely adding that in this crisis we are prepared for almost any revolution in men or affairs, however monstrous and astounding, but we do not believe Mr. Webster will go quite so far as this.

Mr. Dayton asked, why not end the discussion sum up the matter, and then give it to the jury? Mr. Foote, (interposing.) It is this very agitation which will dissolve the Union. "Mr. Dayton. Upon that matter, there is only

a difference opinion of between the S-nator and myself. I do not understand that this species of agitation and talking will destroy the Union. It is not to be so easily done. I have greater confidence in the ligament which binds us together. It will never be talked away. "Mr. Clemens, (interposing) Will the Senator allow me to say, that I think he is mistaken? think it is being talked away every day. I think

the ligament which binds the Union together to-day is being loosened every day, and it is for that reason that I am ready that this com-mittee should at once act upon the matter. If we go on talking as we have done for three weeks here, it will not be in the power of man to save "Mr. Dayton. That is but a difference of opinion between certain men on that side of the Cha

and certain men upon this. We differ in that The Senate at last adjourned, without coming

to any decision upon the subject. Whatever the disposition of Senators from the free States to assent to Mr. Foote's motion, we

see not how, as men respecting themselves, regardful of the freedom of debate, and resolved to maintain the rights of their body, they can think of entertaining it at all, for a long time to come Yield to menace now, and there will be no stop to We do not believe the project will succeed.

# FREE SOIL MEETING IN LAKE COUNTY, OHIO.

Pursuant to a call of the Free Soil Central Committee of Lake county, Ohio, a meeting was held at Powersville, at which Eli D. Hewe presided. It was addressed by J. L. Balchelder and J. C. Vaughan, after which, the following resolutions were adopted unanimously:

Whereas our fathers passed through the bloody ordeal of the Revolution, to secure to the people of these United States, through the Constitution, "the blessings of liberty" to themselves and their posterity: and Whereas the Slave Power is determined to ex-

Whereas the Slave Power is determined to extend its withering curse into the new Territories acquired by the late treaty with Mexico, in the face of the enlightened public sentiment of this country and the world: and

Whereas, at the present moment, a traffic in human flesh exists at the capital of the nation, and is regulated and protected by our National Legislature, to the disgrace of a people who style themselves the freest upon earth; therefore,

Resolved. That the traffic in human flesh at the National Capital (over which Congress possesses

National Capital (over which Congress posse exclusive control) is an outrage upon public sen timent, a disgrace to the nation, and a biting sar

casm upon the professions of the American people.

Resolved, That Congress can no more create a slave than make a king, and that it should not do indirectly what it cannot do directly.

Resolved, That it has the power to keep free soil forever free, and that it is alike its duty and